

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DELPHINE ALLEN, et al.,

Plaintiffs,

V.

CITY OF OAKLAND, et al.,

Defendants.

MASTER CASE FILE
NO. C00-4599 TEH

ORDER CLARIFYING
JANUARY 24, 2012 ORDER RE:
THE MONITOR'S AUTHORITY

On January 24, 2012, the Court ordered the Chief of Police to “regularly consult with the Monitor on all major decisions that may impact compliance with the [Negotiated Settlement Agreement].” Jan. 24, 2012 Order at 3. If the Chief declines to act in accord with a recommendation by the Monitor, then the City Administrator and Mayor must make themselves available to discuss the intended action with the Monitor. *Id.* If the City refuses to implement one of the Monitor’s recommendations, then the Court may schedule a hearing at which “the City will bear the burden of persuading the Court that its failure to follow the Monitor’s recommendation will not have a negative impact on the City’s compliance efforts.” *Id.* The Court now clarifies that any hearings regarding recommendations that involve confidential personnel matters will be held under seal. The Court further clarifies that not all matters may require a hearing, particularly if it appears that the City is intentionally rejecting a recommendation of the Monitor for purposes of delay or is otherwise acting in bad faith.

24 In addition, the Monitor may recommend that certain actions be implemented within a
25 short timeframe. The Monitor shall immediately notify the Court if he recommends that
26 Defendants take any action within twenty-four hours or less. If necessary under the
27 circumstances, the Court expects the parties to be available on short notice for any hearing
28 conducted pursuant to the January 24, 2012 order.

1 Finally, the Court reminds the parties and their personnel that communications by the
2 Monitor, including the consultations and recommendations discussed above, are
3 confidential. Any unauthorized disclosure shall be subject to sanctions.

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5 **IT IS SO ORDERED.**

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7 Dated: 06/07/12

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THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT